

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawaii**

May 27, 2016

**Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii**

REGARDING: Time Extension Request for the Modification to
Conservation District Use Permit (CDUP) OA-30 for
Paradise Park

APPLICANT: Paradise Park Inc.

LANDOWNER: Paradise Park Exchange LLC

LOCATION: 3737 Mānoa Road, Mānoa, O‘ahu

Tax Map Key: (1) 2-9-054:018

SUBZONE: Resource

BACKGROUND:

On March 11, 1966, the Board of Land and Natural Resources (Board) approved Conservation District Use Permit (CDUP) OA-30 for the establishment of a Botanical and Zoological Garden for Recreational purposes (**Exhibit 1**).

The applicant submitted proposed modifications to CDUP OA-30 to create a Hawaiian Culture Center. On October 24, 2014, the Board found the proposed modifications to be consistent and in conformance with CDUP OA-30 and approved the proposed improvement's and alterations noted as Phase I and Phase II (**Exhibit 2**).

This authorized Paradise Park to repair and maintain facilities and also authorized Paradise Park to establish new exhibits within the interior existing space of their main building as well as retrofit existing structures [bird cages] on park grounds. Former gardens are proposed to be re-landscaped with preference to endemic or indigenous plants of Hawai'i. All of these actions are subject to final plan review by the Department.

On November 30, 2015, a consultant for Paradise Park submitted landscaping plans in support of the modifications. The Office of Conservation and Coastal Lands (OCCL) was unable to authorize the landscaping plans as the Board of Land and Natural Resources authorization of October 24, 2014 covering these actions expired on October

24, 2015. Notification of the expiration was sent to Paradise Park on December 11, 2015 (**Exhibit 3**).

TIME EXTENSION REQUEST:

On March 28, 2016, the Office of Conservation and Coastal Lands (OCCL) received a correspondence from the Law Offices of Derwin Hayashi, LLCC, counsel for Paradise Park requesting a time extension for the modifications to Paradise Park. According to Mr. Hayashi, Paradise Park did not get the approval letter from prior counsel nor were they informed by prior counsel that there were time limitations including but not limited to any work or construction had to be initiated within one year of the approval of such use. (**Exhibit 4**).

AUTHORITY FOR GRANTING TIME EXTENSIONS:

The authority for the granting of time extensions is provided in §13-5-43, Hawaii Administrative Rules (HAR), which allows for permittees to request time extensions for the purpose of extending the period of time to comply with the conditions of a permit.

§13-5-43(e), HAR provides that if a time extension request is received after the expiration deadline, it shall be forwarded to the board for review. If a request for a time extension is not received within one year after the expiration deadline, the permit shall be void.

BASIS FOR TIME EXTENSIONS:

A time extension may be sought when a Permittee is unable to initiate or complete a project within the stipulated time frame. The Board grants time extensions when a Permittee demonstrates some sort of hardship or delay in initiating work on a particular project. Moreover, the Permittee should be able to demonstrate that the hardship or delay has not been self-imposed and that some good faith effort has been made to undertake the project.

DISCUSSION:

Since receiving the authorization for the modification, the OCCL received several comments and concerns from area residents. This would include a Resolution from the Mānoa Neighborhood Board (**Exhibit 5 & 6**) received in February 2015 and comments from Mānoa residents in August/September 2015 regarding Paradise Park. In addition, a petition with approximately 750 signatures of the general public from the Outdoor Circle calling for a community hearing for a new Environmental Impact Statement was also received in September 2015.

The modified CDUP was conditioned to mitigate potential nuisances that may emanate from Paradise Park. Paradise Park is required to seek the approval of the Department for new park exhibits; and Paradise Park is required to submit an annual report to the

Department within 1.5 years of re-opening to discuss “issues, concerns, challenges, and successes.” These actions are to be reviewed by the Board in a public meeting.

The hours of operations and visitor capacity (not to exceed 430,000/year) were established on December 7, 1990 by the Board pursuant to Senate Concurrent Resolution 245, SD1, HD1, and the Department of Attorney General review. This was further refined by the Board on March 12, 1993 (**Exhibit 7& 8**).

The October 24, 2014 authorization found the modifications to Paradise Park to create a Hawaiian Culture Center consistent and in conformance with CDUP OA-30 and reconfirmed past Board authorizations. No new land uses are proposed. Staff believes the modification to be consistent with the purpose of conserving, protecting, and preserving the important natural and cultural resource of the State.

The modification to Paradise Park to create a Hawaiian Culture Center noted as Phase I and Phase II may be considered an exempt action pursuant to Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200, HAR, and pursuant to the Exemption List for the Department, specifically exemption class 1-Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing and exemption class 2-22 Replacement or renovation of existing landscaping or vegetation (**Exhibit 9**). Staff notes that Paradise Park will continue to have a valid permit for a botanical and zoological garden for recreational purposes whether the time extension is granted or not.

The community and Paradise Park must create an open dialog to keep each other informed of the Park’s development and community requests and needs to be good neighbors to each other. This type of relationship must be fostered on the community level. To facilitate open dialog, Staff recommends the Board approve this time extension request by amending CDUP OA-30 to include that Paradise Park have a semi-annual community meeting in addition to have a representative attend each scheduled meeting of the Mānoa Neighborhood Board to share information, foster neighborly relationships, and address community concerns.

RECOMMENDATIONS:

That the Board:

- A. Declare that, after considering the potential effects of the proposed project as provided by Chapter 343, HRS and Chapter 11-200, HAR, the modification will likely have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment; and
- B. Approve a time extension of 1-year from this date to initiate the proposed improvements and alterations to Paradise Park to create a Hawaiian Culture Center noted as Phase I and Phase II **only**, subject to the following conditions:

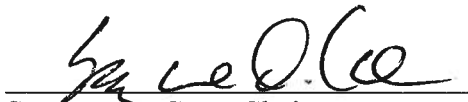
1. Park premises shall not be subleased to any independent entity for retail or other office use with the exception of the Treetops Restaurant;
2. All conditions imposed under CDUA OA-30, as amended, remain in effect that would include:
 - Submitting a detailed landscaping plan to the Department for approval prior to the implementation of landscaping changes;
 - Submitting the existing and proposed physical layout as well as identify specific uses within each of the structural components with a description of essential elements of the Plan;
 - Submitting an annual report due within 1.5 years of reopening Phase I of the Park that will include a discussion of community concerns, issues, challenges and successes;
3. Applicable standard conditions of the HAR, §13-5-42 Standard conditions; and
4. That CDUP OA-30 shall be amended to include a condition that Paradise Park have a semi-annual community meeting and shall have a representative of Paradise Park attend each scheduled meeting of the Mānoa Neighborhood Board.

Respectfully submitted,



K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

March 16, 1966

Mr. James W. Y. Wong
President
International Pacific Investment, Inc.
1575 South Beretania Street
Honolulu, Hawaii 96814

Dear Mr. Wong:

The Board of Land and Natural Resources, at its March 11, 1966 meeting approved your request to utilize approximately 47.464 acres of land identified as TUK 2-9-54-07 and 2-9-54-18 for recreational purposes by establishment of zoological and botanical gardens.

The approval is subject to Paragraph C (Conditions "GU" Conservation Subzone) and Paragraph F (Compliance with Statutes, etc.) of Section 2, Regulation No. 4, Department of Land and Natural Resources. In addition, I would like to direct your attention specifically to the requirements of obtaining this office's approval on all development plans prior to any clearing and/or construction work.

Please feel free to call me should you have any questions concerning this matter.

Very truly yours,

Sumao Kido

SUMAOK KIDO, Deputy
for JIM F. Ferry, Chairman & Member
Board of Land and Natural Resources

R
PJT:TF:ts
cc: Land Use C.M.
CAC Planning Dept.
Bd. of Water Supply
Dept. of Health
University of Hawaii

EXHIBIT 1

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Honolulu, Hawaii

March 11, 1966

Board of Land and
Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen:

Conservation District Application
OA-66/2/21-30

APPLICANT: Mr. James W. Y. Wong, President
International Pacific Investment, Inc.
1575 South Beretania Street
Honolulu, Hawaii 96814

LOCATION: TMK 2-9-54-07 (35.164 acres)
TMK 2-9-54-18 (12.300 acres)
Conservation District Map OA-Honolulu

AREA: 47.464 acres

USE REQUESTED: Establishment of a Botanical and Zoological
Garden for Recreational Purposes.

BACKGROUND: International Pacific Investment, Inc., requested
the use of two parcels of land owned by the
Roman Catholic Church, identified as TMK 2-9-54-07
and 2-9-54-18 for establishment of a botanical and
zoological garden.

ANALYSIS: According to the Conservation District Map OA-
Honolulu, the 47.464 acres are within the General
Use (GU) subzone of the Conservation District.
Inasmuch as the requested use is in a general use
subzone, botanical and zoological gardens for re-
creational purposes are permitted under Section
2B(1)(a) of Regulation No. 4, Department of Land
and Natural Resources. No adverse comments have
been received from our State and City agencies
relative to the requested use, with the exception
of the Board of Water Supply and the University of
Hawaii. (Letters on file)

ITEM H-2

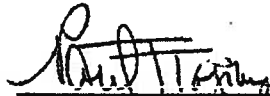
March 11, 1966

Staff is of the opinion that the proposed recreational use of the two parcels of land is compatible and appropriate within the Conservation District. No serious problems relating to recreation and scenic resources are anticipated.

RECOMMENDATION:

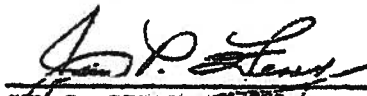
It is recommended that the request for establishment of botanical and zoological gardens for recreational purposes be approved subject to Paragraph C (Conditions GU Conservation Subzone) and Paragraph F (Compliance with Statutes, etc.) of Section 2, Regulation No. 4, Department of Land and Natural Resources.

Respectfully submitted



PAUL T. TAJIMA
Program Planning Coordinator

RECOMMENDED FOR APPROVAL:

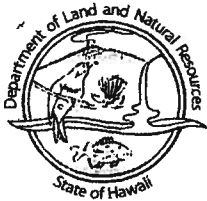


JIM P. PERRY, Chairman





NEIL ABERCROMBIE
GOVERNOR OF HAWAII



RECEIVED
OFFICE OF CONSERVATION
AND COASTAL LANDS

2015 MAR 27 A 11:4

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

JESSE K. SOUKI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

CDUP OA-30

NOV - 7 2014

Julie M. Mandanas
Alston Hunt Floyd & Ing
1001 Bishop Street, Suite 1800
Honolulu, HI 96813

SUBJECT: Conservation District Use Permit OA-30 Modifications to Paradise Park Located at
Mānoa Valley, O'ahu, TMKs: (1) 2-9-054:018

Dear Ms. Mandanas:

On October 24, 2014, the Board of Land and Natural Resources found the modifications to Paradise Park to create a Hawaiian Culture Center are consistent and in conformance with CDUP OA-30 and approved the proposed improvements and alterations noted as Phase I and Phase II only subject to the following conditions:

1. Park premises shall not be subleased to any independent entity for retail or other office use;
2. All conditions imposed under CDUA OA-30, as amended, remain in effect that would include:
 - Submitting a detailed landscaping plan to the Department for approval prior to the implementation of landscaping changes;
 - Submitting the existing and proposed physical layout as well as identify specific uses within each of the structural components with a description of essential elements of the Plan;
 - Submitting an annual report due within 1.5 years of reopening Phase I of the Park that will include a discussion of community concerns, issues, challenges and successes; and
3. Applicable standard conditions of the HAR, §13-5-42 Standard conditions.

Please acknowledge receipt of this approval, with the above noted conditions, in the space provided


EXHIBIT 2

Julie M. Mandanas
Alston Hunt Floyd & Ing

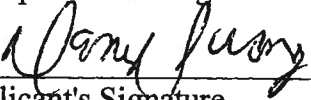
CDUP OA-30

below. Please sign two copies. Retain one and return the other within thirty (30) days. Should you have any questions on any of these conditions, please feel free to contact Tiger Mills at 587-0382.

Sincerely,


for Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

Receipt acknowledged:


Applicant's Signature

Date 3/24/15

* Per discussion with Tiger, the Treetops lease is pre-existing
and not subject to Item 1.

c: ODLO/DOFAW
Manoa Neighborhood Board
City & County of Honolulu
-Department of Planning

**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
OFFICE OF CONSERVATION AND COASTAL LANDS
Honolulu, Hawai'i**

October 24, 2014

Board of Land and
Natural Resources
State of Hawai'i
Honolulu, Hawai'i

REGARDING: Conservation District Use Permit OA-30
Requesting Modifications to Paradise Park

APPLICANT: Paradise Park, Inc.

LANDOWNER: Roman Catholic Church

LOCATION: Mānoa Valley, O'ahu

TMKs: (1) 2-9-054:018

SUBZONE: Resource

CURRENT REQUEST:

As the leaseholder to the site until 2041, Paradise Park, Inc. would like to fully utilize the Park grounds and has proposed changes to the facility to create a Hawaiian Cultural Center. The Center will promote education, preservation and stewardship of the land through expression of Hawaiian traditions and practices.

The majority of Park grounds are not being utilized. The facility was once very popular with school groups and tourist that came to see the exotic birds and botanical gardens. The Park once included a large indoor aviary, pathways to the Hau jungle and bamboo forest, ponds with carp and flamingos, outdoor aviaries and ethnic gardens (**Exhibit A**).

Improvements are proposed in 3 phases (Phases I, II, and III) to gradually reintroduce changes to the Park. At this time, Paradise Park is requesting approval of Phase I & II of the proposed modifications to the Park (**Exhibit B**).

At the Chairperson's discretion, this request for changes and alterations to the exhibits for a Hawaiian Cultural theme has been brought to the Board for approval (**Exhibit C**).

Phase I

Interior Improvements

The first phase consists of repair and maintenance of the interior of the main building and the development of exhibits within. Cosmetic repairs are proposed and spaces will be designed to house a Hula Museum, Visitor' Center and classrooms.

Landscaping

The central Park grounds are proposed to be re-landscaped as a series of hula gardens that are centered on a particular aspect of the dance and culture. Paradise Park is working with a number of Hawaiian landscape experts on a new layout to feature endemic, indigenous and introduced species that were used for hula adornment. No mass grading will be done, much of the work will be manually completed and irrigation will be installed. Lists of proposed plantings were also included. Paradise Park is aware plantings shall be appropriate to the site location and shall give preference to plant materials that are endemic or indigenous to Hawai'i and the introduction of invasive plant species is prohibited.

Exhibits

Interior exhibits will have an emphasis on the origins and evolution of the Hawaiian Islands, the Hula, and the ahupua'a of Mānoa Valley. A proposed interactive experience would be a holistic approach to the Hula. This would include the dance lesson, protocol, gathering and the making of adornments from plants on site.

Former birdcages will be remodeled to become informational rainforest shelters describing nearby flora in the area and their uses traditional uses. A former attraction will be retrofitted creating a Rainforest Pavilion with displays and exhibits of the rainforest and public education information regarding the ahupua'a, hydrological cycle, conservation efforts and hunting.

Five gardens are initially proposed. Lei plants will be featured in the first increment. Paradise Park has included a nonspecific landscape site plan illustrating where different garden themes are proposed.

Phase II

Restoration/Interior Improvements

Within the second phase, modifications to the interior of the main building will continue and Park facilities will be revitalization. The Greenhouse and Amphitheater will be restored. The lighting and sound system in the amphitheater will be upgraded.

Exhibits

Interior expansion of the Museum to include a walking media tour of videos and static displays illustrating the creation of the Hawaiian Islands, the history of Manoa, the history of Honolulu, the voyages of the Hokule'a and other productions about Hawai'i are also proposed.

Phase III

At this time, Paradise Park is not requesting any approval for Phase III that may include the Luau House construction and parking lot expansion with the addition of two more gardens defined as the Luau and Hawaiian Village garden. As this plan develops, further information will be forwarded to the Department.

Hours of Operations

Hours of operations that would include the Restaurant would be between the hours of 8:00am to 10:00pm. Expected numbers of visitors should not exceed 430,000/year and transportation would be via mass transit [the Bus]; private tour vehicles; or personal vehicles. Paradise Park will encourage tour operators to bring visitors to Paradise Park by utilizing vehicles that hold no more than 24 individuals.

EXISTING USES:

Paradise Park Inc. offices are on site. The Treetop Restaurant is currently being renovated and the main building is undergoing repair and maintenance. The parking lot is open and services the visitors to Mānoa trail. A hula halau utilizes vacant space in the main building for practice.

In 2010, Paradise Park re-opened a snack shop, lobby and restrooms to provide accommodations to the large number of visitors to the Mānoa Falls trail. The snack shop, lobby and restrooms were existing uses established under CDUP OA-30 and CDUP OA-3268 for the Halau Ku Mana Charter School that utilized the existing building from 2004 to 2007.

Earlier this year (2014), Paradise Park hired an Arborist that identified invasive trees to be removed. Authorization was gained to remove 52 Albizia trees in 2 phases and to create a compost site managed by a qualified compost manager. Large logs are to be re-purposed as benches and placed along existing pathways to create borders and to demarcate areas.

History

Paradise Park was originally established via Conservation District Use Permit OA-30 for a botanical and zoological garden for recreational purposes on the subject parcel and adjacent parcel 007 approved by Board of Land and Natural Resources on March 11, 1966 (**Exhibit D**).

At the end of 1993, the Board made several findings in regards to Paradise Park's Annual Report, Future Plans and Exhibits. This would include:

- Providing a detailed landscaping plan prior to conducting landscaping changes;
- Submitting an updated Master Plan that identifies existing uses and proposed specific interior uses with a written description describing essential elements of the plan; and
- Restrictions on the hours of operations, visitor counts and large tour buses.

The Board also required that an annual report be filed with the Department and that any future change or alterations in the exhibits at Paradise Park be submitted to the Department for administrative review and approval prior to implementing the changes. The Board stipulated that the Chairperson would have the discretion to bring any proposed changes or alterations to the Board for approval. All requests for changes or alterations to the exhibits shall be accompanied by plans and a description (**Exhibit B-3**).

Community Outreach

A recent presentation to the Neighborhood Board has been done, (February 5, 2014) and also a Legislative Town Meeting on the weekend of February 15/16, 2014 organized by Senator Brian Taniguchi and Representative Isaac Choy was held on a variety of things impacting the Mānoa area and attended by approximately 100 residents. Representative Choy discussed what was planned for Paradise Park and a timeline for work. There were no outstanding issues or concerns presented at either of these public meetings.

During the 2014 Legislative Session, House Concurrent Resolution 70 and Senate Concurrent Resolution 125 were introduced, "Encouraging the Department of Land and Natural Resources to Approve the Request to Reopen Paradise Park as a Hawaiian Cultural Center." The matter did not make it through the Legislative process and there appears to be no testimony available

regarding the concurrent resolution. However, OCCL was in receipt of 31 correspondences from a number of business, media, entertainment, hula and the arts programs and individuals strongly in support of reopening Paradise Park under a Hawaiian Cultural Center theme.

DISCUSSION

Repair and maintenance of the facility are within the existing footprint of the authorized use of CDUP OA-30. The December 1990 Board findings regarding the Report to the Legislature noted CDUP OA-30 does not impose any restrictions regarding the types, numbers, or sizes of plants and animals to be allowed within Paradise Park (**Exhibit B2**). Nor does the CDUP specify that the exhibits must be live or animated.

Paradise Park's Hawaiian culture theme proposal does not appear to be a different or greater land use. Paradise Park has submitted an updated Master Plan that shows the existing and proposed physical layout as well as identifies specific uses within each of the structural components with text describing essential elements of the Plan that continues to be developed. Paradise Park has also submitted a Landscaping Site Plan that will be more fully developed should the Board find that the Hawaiian culture theme to be consistent with CDUP OA-30. All plans will be reviewed by the Department for consistency with the conditions of the permit as amended.

Ethnobotany or the study of cultures and their use of plants would examine how societies would utilize plants for food, clothing, currency, ritual, medicine, adornment, construction, etc. In reviewing the proposed Master Plan and Landscaping plans, the Hawaiian culture theme in the proposed exhibits, displays and gardens will explain the Hawaiian relationship of being a part of nature. From the creation belief of coming from the Kalo plant; to Hawaiian religious beliefs and customs of observing Kapu and in their seasonal as well as monthly calendar that dictates what actions a maka'āinana [Farmer or more appropriately Gardener] would undertake, Hawaiian customary and traditional practices appear to be intricately woven into nature. Staff believes the alterations to the facility with a Hawaiian culture focus would be consistent with the botanical aspect of the permit.

Staff notes the bulk of the Park has been closed for almost 20 years. Prior to the main attraction closing, the Mānoa community voiced concerns that appear to have been mitigated by the constraints imposed by the Board in regards to hours of operation and maximum number of visitors.

In 1993, the Board imposed a maximum cap of 24 tour buses per day that is subject to change by the Board if there is strong community input in the future. While 'large tour buses' appear to have been a major complaint in the past, multi-passenger vehicles have been modernized to be more compact, fuel efficient [less exhaust] and less intrusive. The Owner has stated, Paradise Park will work with tour operations and encourage visitors to arrive via mass transportation. The Permittee is encouraging tour operators to use passenger buses, trolleys and/or mini busses that hold no more than 24-persons.

As the Park is proposing gradual, phased improvements to reintroduce the public to the Park, Staff recommends that existing Board findings be adhered to that would include the March 12, 1993 Board findings (**Exhibit B-3**); the December 17, 1993 Board approval for a maximum of 24 tour buses per day that is subject to change by the Board if there is strong community input in

the future; and applicable conditions of the Hawai'i Administrative Rules (HAR), §13-5-42 Standard conditions that apply to any land use permitted within the conservation (**Exhibit E**).

In conformance with the annual report requirement, one year after opening Phase I of the Park, Paradise Park shall report back to the Board to discuss issues, challenges and successes.


Regarding community outreach, Staff believes Paradise Park has made a concerted effort to notify the community of the proposed improvements through the Neighborhood Board and a Legislative Town Meeting and strongly suggests Paradise Park continue community discussions. Staff further notes this Hawaiian Cultural Center theme proposal has been around since 1997 and staff review of the files has not located any comments of concern regarding this proposed modification

RECOMMENDATION

Staff recommends that the Board of Land and Natural Resources find the modifications to Paradise Park to create a Hawaiian Culture Center are consistent and in conformance with CDUP OA-30 and allow the proposed improvements and alterations noted as Phase I and Phase II only subject to the following conditions:

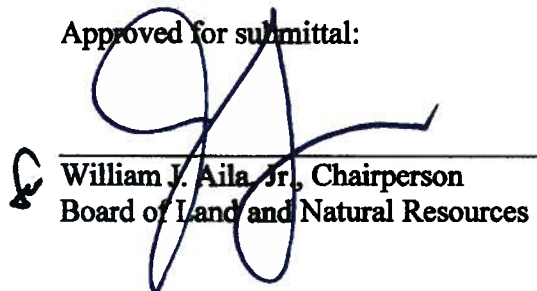
1. Park premises shall not be subleased to any independent entity for retail or other office use;
2. All conditions imposed under CDUA OA-30, as amended, remain in effect that would include:
 - Submitting a detailed landscaping plan to the Department for approval prior to the implementation of landscaping changes;
 - Submitting the existing and proposed physical layout as well as identify specific uses within each of the structural components with a description of essential elements of the Plan for approval prior to implementation;
 - Submitting an annual report a year after reopening Phase I of the Park that will include a discussion of community concerns, issues, challenges and successes; and
3. Applicable standard conditions of the HAR, §13-5-42 Standard conditions.

Respectfully submitted,



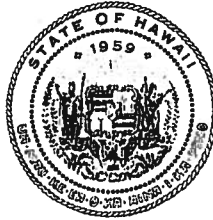
K. Tiger Mills, Staff Planner
Office of Conservation and Coastal Lands

Approved for submittal:



William J. Aila, Jr., Chairperson
Board of Land and Natural Resources

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

OFFICE OF CONSERVATION AND COASTAL LANDS
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY T. PEARSON P.E.
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

CDUP OA-30

Paradise Park
3737 Mānoa Road
Honolulu, HI 96822

DEC 11 2015

SUBJECT: Conservation District Use Permit OA-30 Modifications to Paradise Park Located at Paradise Park, Mānoa, O'ahu, TMK: (1) 2-9-054:018

Dear Paradise Park:

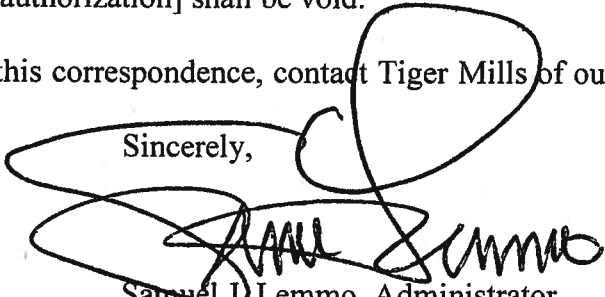
On November 30, 2015, the Office of Conservation and Coastal Lands (OCCL) received landscaping plans in support of the modification to the existing Paradise Park to create a Hawaiian Cultural Center. We are unable to authorize the landscaping plans as the Board of Land and Natural Resources authorization of October 24, 2014 covering these actions expired on October 24, 2015.

Condition #3 of the modification authorization pertains to applicable standard conditions of the Hawai'i Administrative Rules (HAR), Chapter 13-5. Pursuant to HAR, §13-5-42 (a) (8) Unless otherwise authorized, any work or construction to be done on the land **shall be initiated within one year** of the approval of such use. Plans should have been submitted, approved and initiated within the one year time frame.

Paradise Park may request a time extension pursuant to HAR, §13-5-43(e) which states, if a time extension request is received after the [one year] expiration deadline, it shall be forwarded to the board for review. If a request for a time extension is not received within one year after the expiration deadline, the [October 24, 2014 authorization] shall be void.

Should you have any questions regarding this correspondence, contact Tiger Mills of our Office at (808) 587-0382.

Sincerely,


Samuel D. Lemmo, Administrator
Office of Conservation and Coastal Lands

C: Chairperson
ODLO
Mānoa Neighborhood Board
Umemoto Cassandro Design Corp.

EXHIBIT 3

Law Offices of Derwin Hayashi, LLC

P. O. Box 860053
Wahiawa, Hawaii 96786
(808) 545-5555

March 28, 2016

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands
Department of Land and Natural Resources
State of Hawaii
Honolulu, HI 96813

Re: Time Extension Request for Conservation District Use
Permit OA-30 Requesting Modifications to Paradise Park
Located at Manoa Valley, O'ahu, TMKs (1) 2-9-054:018

Dear Mr. Lemmo:

We represent the owners of Paradise Park. Please accept this letter request to appear before the Board of Land and Natural Resources meeting on Friday, April 22, 2016 regarding an extension of time for Conservation District Use Permit OA-30 Requesting Modifications to Paradise Park located at Manoa Valley, Oahu, TMKs (1) 2-9-054:118.

The reasons for the request for an extension of time are as follows:

I. PARADISE PARK DID NOT GET THE APPROVAL LETTER FROM PRIOR COUNSEL

Paradise Park was never forwarded the approval letter dated November 7, 2014 by their attorneys. Letter dated November 7, 2014 is attached hereto as Exhibit "A". It was only after the Neighborhood Board meeting attended by Darryl Wong was it learned that there was a formal approval of Paradise Park's request for modifications. Please see the emails dated March 18, 2015 between Darryl Wong and Napua Wong attached hereto as Exhibit "B". Exhibit "B" clearly shows that Paradise Park was not aware that there was a formal approval by BLNR.

Darryl Wong then contacted Tiger Mills and received a copy of the November 7, 2014 letter approval and Darryl Wong signed the Receipt acknowledged on March 24, 2015 and returned a copy to Tiger Mills.

EXHIBIT 4

It was also learned by attorney Derwin Hayashi that Tiger Mills had made several calls to prior counsel regarding the status of the November 7, 2014 approval but never heard back from prior counsel's office.

II. PARADISE PARK ARE LAY PEOPLE AND WERE NEVER TOLD BY PRIOR COUNSEL THAT THERE WERE TIME LIMITATIONS INCLUDING BUT NOT LIMITED TO ANY WORK OR CONSTRUCTION HAD TO BE INITIATED WITHIN ONE YEAR OF THE APPROVAL OF SUCH USE.

Paradise Park was never informed by their prior counsel that any work or construction had to be initiated within ONE (1) year of the approval of such use. Had Paradise Park (hereinafter referred to as "PP") known of said restriction, PP would have initiated work and/or construction within ONE (1) year of the approval.

III. THIS IS THE FIRST REQUEST FOR A TIME EXTENSION.

This is PP's first request for an extension of time.

If there are any questions, please call us at (808) 545-5555.

Very truly yours,

Derwin Hayashi, Esq.
LAW OFFICES OF DERWIN HAYASHI, LLLC



MANOA NEIGHBORHOOD BOARD NO. 7

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov/nco>

**RESOLUTION OF THE MANOA NEIGHBORHOOD BOARD REQUESTING THE STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES (DLNR) RECONSIDER APPROVAL OF PARADISE
PARK'S (The "Park") PROPOSED DEVELOPMENT OF A HAWAIIAN CULTURAL CENTER**

Regarding Conservation District Use Permit OA-30 Requesting Modifications to Paradise Park

WHEREAS, On October 24, 2014, DLNR granted approval of Phases I and II of a redevelopment plan for the Park to operate as a Hawaiian Cultural Center; and

WHEREAS, Such approval allows up to 430,000 visitors a year and 24 tour buses per day; and

WHEREAS, The approval in question was based on the following understanding of the level of community input into the process:

"Regarding community outreach, Staff believes Paradise Park has made a concerted effort to notify the community of the proposed improvements through the Neighborhood Board and a Legislative Town Meeting and strongly suggests Paradise Park continue community discussions. Staff further notes this Hawaiian Cultural Center theme proposal has been around since 1997 and staff review of the files has not located any comments of concern regarding this proposed modification"; and

✓ WHEREAS, No advance notice was given for the two (2) community meetings cited, resulting in a lack of attendance of concerned community residents; and

WHEREAS, Once residents became aware of the redevelopment, a large outpouring of community concerns became evident; and

WHEREAS, The original incarnation of the Park in 1968 by James Wong, the developer of the current project, resulted in a large amount of community dissatisfaction caused by noise, traffic and pollution concerns among others; and

WHEREAS, The community has been very outspoken about a desire to hold a true community meeting on the redevelopment to air concerns to DLNR and other authorities; now, therefore,

✓ **RESOLUTION:** BE IT RESOLVED by the Manoa Neighborhood Board No. 7 that the State of Hawaii Department of Land and Natural Resources is requested to reconsider its approval of the Paradise Park redevelopment based on a lack of community input in the approval process, the questionable merits of the proposed project, and the direct impact on the adjoining and surrounding communities. We request that the DLNR require the developer to more fully vet all potential environmental impacts to the community and require a full Environmental Impact Statement (EIS) be completed for this proposed project; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Hawaii State Department of Land and Natural Resources, Councilwoman Ann Kobayashi, State Senator Brian Taniguchi, and State Representative Isaac Choy.

This amended resolution was unanimously adopted by the Manoa Neighborhood Board No 7 at its Wednesday, February 4, 2015 meeting.

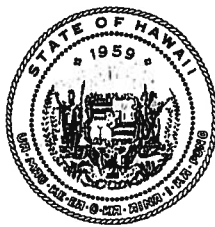
Submitted by

K. Russell Ho for

Eric Eads, Chair.

EXHIBIT 5

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

CDUP: OA-30

Mānoa Neighborhood Board No. 7
c/o Neighborhood Commission
530 South King St., Room 406
Honolulu, HI 96813

FEB 25 2015

SUBJECT: Resolution of the Mānoa Neighborhood Board Requesting the State of Hawai'i Department of Land and Natural Resources (DLNR) to Reconsider Approval of Modifications to Paradise Park, Honolulu, Island of Oahu

Dear Mānoa Neighborhood Board:

The Department is in receipt of your Resolution requesting the Board of Land and Natural Resources (Board) to reconsider their October 24, 2014 decision regarding modifications to Paradise Park, and to operate the facility under a native Hawaiian cultural theme.

As a matter of background, Paradise Park has an existing Conservation District Use Permit (OA-30), for recreational purposes approved by the Board of Land and Natural Resources on March 11, 1966. The permit allows Paradise Park to operate its facility in conformance with conditions imposed on the park. The Board has found that a Hawaiian cultural theme is consistent with the purposes of the permit (OA-30).

Let us assure you that the Board maintains oversight of Paradise Park. For instance, On October 24, 2014, the Board approved two phases of a three phased plan. If Paradise Park wishes to proceed with phase three, Board approval will be required. Phase one and two consists of repair and maintenance of the main building and the development of exhibits in the interior existing space or retrofitting existing structures (bird cages) on Park grounds. Former gardens are proposed to be re-landscaped with preference to endemic or indigenous plants of Hawai'i.

In addition, one of the conditions the permit requires Paradise Park to submit an annual report to us within 1.5 years of reopening phase one of the park. The report shall include a discussion of community concerns, issues, challenges and successes. This report may be referred to the Board if necessary.

Finally, the Resolution raises the issue of adequate public notice. Our review of Mānoa Neighborhood Board records indicates that representatives of Paradise Park attended Neighborhood Board meetings quite frequently. In addition the June 1, 2011 Mānoa Neighborhood Board meeting records states under a list of Board accomplishments and actions taken by the Board from July 1,

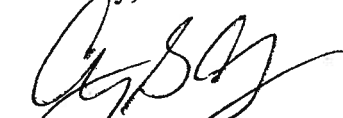
EXHIBIT 6

2010 to May, 2011 “(1) its support for the reopening of Paradise Park to offer gardens and collaborative activities that are designed to celebrate the hula, its role in Hawaiian culture, and its relationship to the natural environment and sustainable practices.”

Our Departmental records indicate that the Mānoa Neighborhood Board was copied on several responses from the Department to Paradise Park regarding this matter dated February 9, 2010; September 30, 2013; and August 4, 2014. The Mānoa Neighborhood Board was also copied on the notice of the public meeting of the Board of Land and Natural Resources of October 24, 2014 in which this matter was noted as agenda item K-1. Departmental records indicate no responses or comments to these correspondences.

We have been advised that, without any evidence of permit non-compliance, the Department does not have sufficient cause to re-consider its October 24, 2014 decision. However, we welcome comments and concerns regarding Paradise Park. Correspondence should be forwarded to the Office of Conservation and Coastal Lands at PO Box 621, Honolulu, HI 96809 or contact Tiger Mills of the OCCL at (808) 587-0382.

Sincerely,



Carty Chang, Acting Chairperson
Board of Land and Natural Resources

C: Paradise Park
DOFAW/ODLO
City & County of Honolulu, DPP
Councilperson Ann Kobayashi
Senator Brian Taniguchi
Representative Isaac Choy

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P. O. BOX 621
HONOLULU, HAWAII 96809

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

KEITH W. AMUE
MANABU TAGOMORI
Dan T. Kochi

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

REF:OCEA-CT

FEB 21 1991

File: OA-30A
Doc.: - 9824E

CERTIFIED MAIL

Mr. James W. Y. Wong
President
Paradise Park
3737 Manoa Road
Honolulu, Hawaii 96822

Dear Mr. Wong:

Pursuant to Senate Concurrent Resolution 245, SD1, HD1, the Board of Land and Natural Resources (BLNR) and the Department of Attorney General have reviewed the appropriateness and legality of the proposed interior renovation at Paradise Park. On December 7, 1990, the Board made the following findings and decisions on the proposed interior renovation at Paradise Park:

1. The proposed animated dinosaur exhibit is a zoological exhibit.
2. The dinosaur exhibit does not constitute a different or greater land use provided that:
 - a. The attraction does not exceed an annual visitor count of 430,000 visitors per year;
 - b. No more than 6 large tour buses per day to the attraction; (For your information, the Board has clarified this to mean an average. We are also currently working with your legal counsel to implement a method to measure this.)
 - c. Paradise Park shuts down its operation by 10:00 p.m. nightly; and

EXHIBIT 7

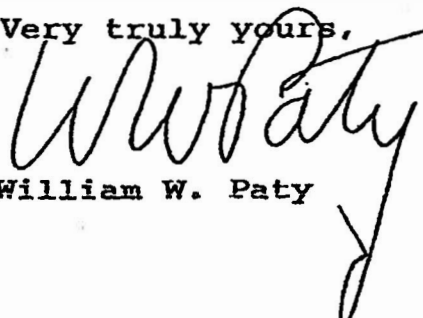
- d. An annual report be submitted to the Department of Land and Natural Resources which sets forth such things as described in findings (a) through (c) above, as well as other pertinent information for BLNR's review and consideration.
3. That the proposed project is in conformance with the approved Conservation District Use Permit OA-30 and its conceptual master plan approved by BLNR on March 11, 1966;
4. That a new Conservation District Use Application or public hearing is not required;
5. That failure to comply with Finding 2 (c) will result in a fine of \$500.00 per violation; and
6. That any future change or alterations in the exhibits at Paradise Park be approved by the Board of Land and Natural Resources.

Please be advised that the findings and decisions numbers two (2), five (5), and six (6) stated above are effective immediately.

We have also enclosed a copy of the Report to the Legislature on the Findings and Recommendations on the Proposed Renovations at Paradise Park. This report includes the Department of Attorney General's review of the renovation.

Please acknowledge receipt of this letter in the space provided below. Please sign two copies. Retain one and return the other to our Department within thirty (30) days. If you have any questions, please call me or Cathy Tilton at our Office of Conservation and Environmental Affairs at 548-7837.

Very truly yours,



William W. Paty

Receipt acknowledged:

Applicant's Signature

Enclosure

cc: Board Members

Department of Attorney General

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
P.O. BOX 521
HONOLULU, HAWAII 96809

Keith W. Ahue, Chair
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

JOHN P. KEPPELER II
DONNA L. MANAIKE

AQUACULTURE DEVELOPMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

REF:OCEA:VKKH

FILE NO.: OA-30

DOC. NO.: 2395

MAR 24 1993

Mr. James W. Y. Wong
President
Paradise Park, Inc.
3737 Manoa Road
Honolulu, Hawaii 96822

Dear Mr. Wong:

SUBJECT: Paradise Park Annual Report, Future Plans, and Exhibits

On March 12, 1993, the Board took the following action on Paradise Park's annual report, future plans, and exhibits:

A. VIOLATION

1. The Board imposed a fine of \$500.00 for not obtaining Board approval prior to the implementation of the exhibits, specifically the outside Explorer's Maze.
2. That failure on the part of the applicant to comply with Section A, "Violation," within sixty (60) days after the Board's decision, the matter shall be turned over to the Department of Attorney General for disposition to include all administrative costs.

B. RECOMMENDATION

1. Exhibits

That the applicant is given after-the-fact approval for the following exhibits:

EXHIBIT 8

1. Rainbow Maze
2. Jumping Maze
3. Bubble Trays
4. Color Table
5. Vanna Upside-down Face
6. Drawing Board
7. Maxi Rollaway.

2. Entrance Sign

The applicant shall submit two sets of construction plans for the entrance sign to the Department for review and approval.

3. Landscaping

The applicant shall submit a detailed landscaping plan to the Department for review and approval prior to the implementation of landscaping changes.

4. Master Plan

The applicant shall submit an updated Master Plan to the Department. The Master Plan should show the existing and proposed physical layout as well as identify specific uses within each of the structural components. The Master Plan shall also be accompanied by a text describing essential elements of the Plan.

5. Streamline Approval Process

Decision Number 6 of the Board's 1990 findings and decisions is amended to read as follows:

That any future change or alterations in the exhibits at Paradise Park be submitted to the Department for administrative review and approval prior to implementing the changes. The Chairperson has the discretion to bring any proposed changes or alterations to the Board for approval. All request for changes or alterations to the exhibits shall be accompanied by plans and a description.

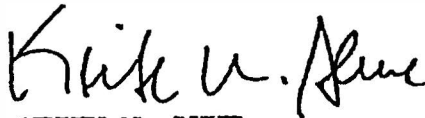
6. The Monthly and Annual Reporting Requirements, the Restriction on the Number of Tour Buses, and the Annual Visitor Ceiling Limitation

- a. The Board approved a maximum of 24 tour buses per day, on a six-month trial basis subject to community input. At the end of the six month period, the applicant will meet with the Manoa Neighborhood Board for an evaluation meeting to determine whether to retain the 24 tour bus number or seek a more appropriate level. The six-month trial period is subject to change by the Board if there is strong community input before the six months has ended.
- b. That the applicant continue the submission of an Annual Report. The Board authorized the Chairperson to review and comment on the Annual Report, and if warranted, bring the Report before the Board for its consideration.
- c. That the submission of the monthly report be eliminated as it can be adequately addressed in the Annual Report.

If there are any questions on any of these conditions, please feel free to contact Cathy Tilton of our Office of Conservation and Environmental Affairs staff at 587-0377.

Please acknowledge receipt of this permit by signing in the space provided below and returning a copy to us.

Very truly yours,


KEITH W. AHUE

Receipt acknowledged:

Applicant's Signature

Date: _____

cc: Oahu Board Member
Manoa Neighborhood Board

EXEMPTION NOTIFICATION

Regarding the preparation of an environmental assessment pursuant to Chapter 343, HRS and Chapter 11-200, HAR

Project Title: Paradise Park Modification
Project / Reference No.: Not applicable.
Project Location: Mānoa Valley, O'ahu, TMK: (1) 2-9-054:018
Project Description: Paradise Park is proposing to repair and maintain facilities and establish new exhibits within the interior existing space of their main building as well as retrofit existing structures [bird cages] on park grounds. Former gardens are proposed to be re-landscaped with preference to endemic or indigenous plants of Hawai'i.

Chap. 343 Trigger(s): Use of Conservation Land
Exemption Class No.: In accordance with Hawaii Administrative Rule Section 11-200-8 and the Exemption List for the Department of Land and Natural Resources concurred with by the Environmental Council and dated June 5, 2015, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1 - Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing; and Exemption Class 2-22 Replacement or renovation of existing landscaping or vegetation.

The proposed work involves repair, maintenance and renovation to existing facilities [the Main Building, Greenhouse and Amphitheater] on Park grounds. The central Park grounds are proposed to be re-landscaped as a series of hula gardens. No mass grading will be done; much of the landscaping work will be done manually.

Because the work involves interior spaces and re-landscaping previously disturbed areas, staff believes that the proposed work would involve negligible or no expansion or change in use of the subject area beyond that previously existing.

Consulted Parties: Office of Environmental Quality Control

Recommendation: It is recommended that the Board find that this project will probably have minimal or no significant effect on the environment and is presumed to be exempt from the preparation of an environmental assessment.

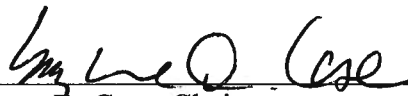

Suzanne D. Case, Chairperson
Date 5/17/16

EXHIBIT 9